

### **REMARKS**

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks.

#### **Allowable Subject Matter**

Applicant gratefully acknowledges that the Office Action did not reject Claims 4, 6, 7, 11, and 14 over the prior art. By way of the foregoing amendments, Claims 4 and 7 have been placed in independent form, and the remaining claims have been amended to depend therefrom.

#### **Objection to the Disclosure**

At pages 2 and 3 of the Office Action, the disclosure as a whole was objected to because it contained allegedly superfluous Headings. Applicant respectfully requests reconsideration of this objection.

By way of the foregoing amendments, the two Headings identified in the Office Action have been removed.

For at least the foregoing reasons, Applicant respectfully submits that the disclosure as a whole is not objectionable, and therefore respectfully requests withdrawal of the objection thereto.

#### **Objection to the Drawings**

At page 2 of the Office Action, the drawings were objected to under 37 C.F.R. § 1.84 because Fig. 2(a) of the drawings allegedly only illustrates the prior art, without including an indication of such in its legend. Applicant respectfully requests reconsideration of this objection.

Applicant files herewith a Replacement Sheet, including only Fig. 2(a), in which the legend for the figure has been updated to indicate that the figure illustrates prior art.

For at least the foregoing reasons, Applicant respectfully submits that the drawings fully comply with 37 C.F.R. § 1.84, and therefore respectfully requests withdrawal of the objection

thereto.

**Objection to the Abstract**

At page 2 of the Office Action, the Abstract was objected to because it allegedly did not conform with current U.S. practice. Applicant respectfully requests reconsideration of this objection.

By way of the foregoing amendments, the Abstract has been revised to better comply with U.S. patent practice.

For at least the foregoing reasons, Applicant respectfully submits that the Abstract is not objectionable, and therefore respectfully requests withdrawal of the objection thereto.

**Objection to the Claims**

At page 3 of the Office Action, Claims 12 and 13 were objected to because Claim 12 included the typographical error of missing its period. Applicant respectfully requests reconsideration of this objection.

By way of the foregoing amendments, Claim 12 is now a complete sentence, with a period.

For at least the foregoing reasons, Applicant respectfully submits that Claims is / are not objectionable, and therefore respectfully requests withdrawal of the objection thereto.

**Rejection under 35 U.S.C. § 112, first paragraph**

In the Office Action, beginning at page 3, Claims 7 and 10 were rejected under 35 U.S.C. § 112, first paragraph, as reciting subject matters that allegedly fail to satisfy the 'Written Description' requirement thereof. Applicant respectfully requests reconsideration of this rejection.

While Applicant strongly disagrees with the inference in the Office Action that the skilled artisan, upon a full and fair reading of the present application, would not understand that Applicants had full possession of the claimed invention, based on the Office Action's

differentiation between the words “essentially” and “substantially”, Applicant has revised the claims to recite the word “essentially” in order to advance prosecution.

For at least the foregoing reasons, Applicant respectfully submits that Claims 7 and 10 fully comply with 35 U.S.C. § 112, first paragraph, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 112.

#### **Rejection under 35 U.S.C. § 112, second paragraph**

In the Office Action, beginning at page 4, Claims 8, 10, and 15 were rejected under 35 U.S.C. § 112, second paragraph, as reciting subject matters that allegedly are indefinite. Applicant respectfully requests reconsideration of this rejection.

Applicant has carefully reviewed the claims, and has, by way of the foregoing amendments, specifically addressed the comments in the Office Action on these claims. With specific reference to Claim 10, Applicant has expanded the compact form of the claim and otherwise reformatted it to make this complex claim more easy to read.

For at least the foregoing reasons, Applicant respectfully submits that Claims 8, 10, and 15 fully comply with 35 U.S.C. § 112, second paragraph, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 112.

#### **Rejection under 35 U.S.C. § 102**

In the Office Action, beginning at page 4, Claims 1-3, 5, 9, 10, and 12 were rejected under 35 U.S.C. § 102, as reciting subject matters that allegedly are anticipated by one or more of Japanese patent publication no. 2000-352320 (“JP ‘320”), U.S. Patent No. 4,828,175, and U.S. Patent No. 3,710,889 (“Lamy”). Applicant respectfully requests reconsideration of this rejection.

While Applicant disagrees with the negative patentability characterizations of the claimed subject matters contained in the Office Action, in an effort to expedite prosecution of the application towards passage to issue, Claims 4 and 7 have been placed in independent form. Accordingly, the rejections under section 102 are moot.

For at least the foregoing reasons, Applicant respectfully submits that the subject matters

of Claims 1-3, 5, 9, 10, and 12 are not anticipated by the prior art, are therefore not unpatentable under 35 U.S.C. § 102, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 102.

**Rejection under 35 U.S.C. § 103(a)**

In the Office Action, beginning at page 6, Claims 8, 13, and 15 were rejected under 35 U.S.C. § 103(a), as reciting subject matters that allegedly are obvious, and therefore allegedly unpatentable, over the disclosure of *JP '320* in view of the disclosure of U.S. Patent No. 6,378,284 (Claims 8, 15), and over *Lamy* alone (Claim 13). Applicant respectfully requests reconsideration of this rejection.

Claims 8, 13, and 15 depend from allowable Claims 1 and 12, respectively, and are therefore allowable for at least the same reasons.

For at least the foregoing reasons, Applicant respectfully submits that the subject matters of Claims 8, 13, and 15, each taken as a whole, would not have been obvious to one of ordinary skill in the art at the time of Applicant's invention, are therefore not unpatentable under 35 U.S.C. § 103(a), and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 103(a).

**Obviousness-type Double Patenting Rejection**

In the Office Action, beginning at page 9, Claims 1-15 were (provisionally) rejected under the judicially-created doctrine of obviousness-type double patenting as reciting subject matters that are allegedly not separately patentable over the subject matters recited in Claims 1-14 of U.S. application no.10/717,711 (" '711 application"). Applicant respectfully requests reconsideration of this rejection.

Applicant files herewith a Terminal Disclaimer over the '711 application.

For at least the foregoing reasons, Applicant respectfully submits that the subject matters of Claims 1-15 are separately patentable over the subject matters of Claims 1-14 in the '711 application, and therefore respectfully requests withdrawal of the rejection thereof.

**Conclusion**

Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of this patent application is therefore respectfully solicited.

If Mr. Verdier believes that a telephone conference with the undersigned would expedite passage of this patent application to issue, he is invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. If, however, additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to our Deposit Account 50-2821.

Respectfully submitted,

By<sup>1</sup>: /Adam J. Cermak/  
Adam J. Cermak  
Registration No. 40,391

**U.S. P.T.O. Customer Number 36844**

Cermak & Kenealy LLP  
515 E. Braddock Rd., Suite B  
Alexandria, Virginia 22314

703.778.6609 (v)  
703.652.5101 (f)

Date: 23 February 2006

---

<sup>1</sup> 37 C.F.R. § 1.4(d)3)